20A-9-101 (Effective 01/01/15). Definitions.

As used in this chapter:

- (1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.
 - (b) "Candidates for elective office" does not mean candidates for:
 - (i) justice or judge of court of record or not of record;
 - (ii) presidential elector;
 - (iii) any political party offices; and
 - (iv) municipal or local district offices.
- (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
 - (3) "Continuing political party" is as defined in Section 20A-8-101.
- (4) (a) "County office" means an elective office where the office holder is selected by voters entirely within one county.
 - (b) "County office" does not mean:
 - (i) the office of justice or judge of any court of record or not of record;
 - (ii) the office of presidential elector;
 - (iii) any political party offices;
 - (iv) any municipal or local district offices; and
 - (v) the office of United States Senator and United States Representative.
- (5) "Federal office" means an elective office for United States Senator and United States Representative.
 - (6) "Filing officer" means:
 - (a) the lieutenant governor, for:
 - (i) the office of United States Senator and United States Representative; and
 - (ii) all constitutional offices;
- (b) the county clerk, for county offices and local school district offices, and the county clerk in the filer's county of residence, for multicounty offices;
 - (c) the city or town clerk, for municipal offices; and
 - (d) the local district clerk, for local district offices.
 - (7) "Local district office" means an elected office in a local district.
- (8) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.
- (9) (a) "Multicounty office" means an elective office where the office holder is selected by the voters from more than one county.
 - (b) "Multicounty office" does not mean:
 - (i) a county office;
 - (ii) a federal office;
 - (iii) the office of justice or judge of any court of record or not of record;
 - (iv) the office of presidential elector;
 - (v) any political party offices; and
 - (vi) any municipal or local district offices.
 - (10) "Municipal office" means an elective office in a municipality.
 - (11) (a) "Political division" means a geographic unit from which an office holder

is elected and that an office holder represents.

- (b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.
 - (12) "Qualified political party" means a registered political party that:
- (a) permits voters who are unaffiliated with any political party to vote for the registered political party's candidates in a primary election;
- (b) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or
- (ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;
- (c) does not hold the registered political party's convention before April 1 of an even-numbered year;
- (d) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:
- (i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or
- (ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and
- (e) no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Sections 20A-9-407 and 20A-9-408.

Amended by Chapter 17, 2014 General Session

20A-9-201 (Effective 01/01/15). Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.

- (1) Before filing a declaration of candidacy for election to any office, a person shall:
 - (a) be a United States citizen;
 - (b) meet the legal requirements of that office; and
- (c) if seeking a registered political party's nomination as a candidate for elective office, designate that registered political party as their preferred party affiliation on their declaration of candidacy.
 - (2) (a) Except as provided in Subsection (2)(b), a person may not:
- (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year; or
 - (ii) appear on the ballot as the candidate of more than one political party.
- (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the person resigns the person's candidacy for the other office after the person is officially nominated for president or vice president of the United States.
- (ii) A person may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.

- (iii) A person may file a declaration of candidacy for lieutenant governor even if the person filed a declaration of candidacy for another office in the same election year if the person withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.
- (3) (a) (i) Except for presidential candidates, before the filing officer may accept any declaration of candidacy, the filing officer shall:
- (A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
- (B) require the candidate to state whether or not the candidate meets those requirements.
- (ii) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the person filing that declaration of candidacy is:
 - (A) a United States citizen;
- (B) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;
 - (C) a registered voter in the county in which the person is seeking office; and
- (D) a current resident of the county in which the person is seeking office and either has been a resident of that county for at least one year or was appointed and is currently serving as county attorney and became a resident of the county within 30 days after appointment to the office.
- (iii) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the person filing that declaration of candidacy is:
 - (A) a United States citizen;
- (B) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;
- (C) a registered voter in the prosecution district in which the person is seeking office; and
- (D) a current resident of the prosecution district in which the person is seeking office and either will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.
- (iv) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the person filing the declaration of candidacy:
 - (A) as of the date of filing:
 - (I) is a United States citizen;
 - (II) is a registered voter in the county in which the person seeks office;
- (III) (Aa) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
 - (Bb) has met the waiver requirements in Section 53-6-206; and
- (IV) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and
- (B) as of the date of the election, shall have been a resident of the county in which the person seeks office for at least one year.

- (v) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure:
- (A) that the person filing the declaration of candidacy also files the financial disclosure required by Section 20A-11-1603; and
- (B) if the filing officer is not the lieutenant governor, that the financial disclosure is provided to the lieutenant governor according to the procedures and requirements of Section 20A-11-1603.
- (b) If the prospective candidate states that the qualification requirements for the office are not met, the filing officer may not accept the prospective candidate's declaration of candidacy.
- (c) If the candidate meets the requirements of Subsection (3)(a) and states that the requirements of candidacy are met, the filing officer shall:
 - (i) inform the candidate that:
- (A) the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
- (B) the candidate may be required to comply with state or local campaign finance disclosure laws; and
- (C) the candidate is required to file a financial statement before the candidate's political convention under:
 - (I) Section 20A-11-204 for a candidate for constitutional office;
 - (II) Section 20A-11-303 for a candidate for the Legislature; or
 - (III) local campaign finance disclosure laws, if applicable;
- (ii) except for a presidential candidate, provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;
- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a):
- (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
 - (A) signing the pledge is voluntary; and
 - (B) signed pledges shall be filed with the filing officer;
 - (v) accept the candidate's declaration of candidacy; and
- (vi) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.
- (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
 - (i) accept the candidate's pledge; and
- (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall be substantially as follows:

"State of Utah, Count	y of		
I,	, declare my candidad	cy for the office of, se	eking
the nomination of the	party, which is my pr	eferred political party affilia	ition.
		ations to hold the office, bot	
legally and constitutio	nally, if selected; I reside a	it in the Ci	ty or
Town of, Utah, 2	Zip Code Phone No. ₋	; I will not knowingly v	iolate
any law governing car	mpaigns and elections; I wi	ill file all campaign financia	
disclosure reports as	required by law; and I unde	erstand that failure to do so	will
result in my disqualific	cation as a candidate for th	is office and removal of my	y
name from the ballot.	The mailing address that	I designate for receiving of	ficial
election notices is		·	
Subscribed and swor	n before me this		
	Notary Public (or other offi	icer qualified to administer	oath.)"

- (b) An agent designated to file a declaration of candidacy under Section 20A-9-202 may not sign the form described in Subsection (4)(a).
- (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:
 - (i) \$50 for candidates for the local school district board; and
- (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.
- (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:
 - (i) who is disqualified; or
 - (ii) who the filing officer determines has filed improperly.
- (c) (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.
 - (ii) The lieutenant governor shall:
- (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and
- (B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.
- (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.
 - (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- (iii) (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
- (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).
 - (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in

substantially the following form:

"Affidavit of	Impecuniosit
Individual Name	•

Address
(name), do solemnly [swear] [affirm], under penalty of
owing to my poverty, I am unable to pay the filing fee
Af fiant
re me on (month\day\year)
(signature

Name and Title of Officer Authorized to Administer Oath

(v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a candidate who is found guilty of filing a false statement, in addition to being subject to criminal penalties, will be removed from the ballot."

- (vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (5)(d) file a financial statement on a form prepared by the election official.
- (6) (a) If there is no legislative appropriation for the Western States Presidential Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall:
- (i) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor:
 - (A) on a form developed and provided by the lieutenant governor; and
- (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular primary election;
- (ii) identify the registered political party whose nomination the candidate is seeking:
- (iii) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and
 - (iv) pay the filing fee of \$500.
- (b) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (6)(a)(i)(A).
- (7) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.
- (8) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

Amended by Chapter 17, 2014 General Session

20A-9-202 (Effective 01/01/15). Declarations of candidacy for regular general elections.

- (1) (a) Each person seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:
- (i) file a declaration of candidacy in person with the filing officer on or after January 1 of the regular general election year, and before the candidate circulates nomination petitions under Section 20A-9-405; and
 - (ii) pay the filing fee.
- (b) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed.
- (c) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of candidates who have filed in their office.
- (d) Each person seeking the office of lieutenant governor, the office of district attorney, or the office of president or vice president of the United States shall comply with the specific declaration of candidacy requirements established by this section.
- (2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:
- (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after January 1 of the regular general election year, and before the candidate circulates nomination petitions under Section 20A-9-405; and
 - (ii) pay the filing fee.
- (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.
- (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each lieutenant governor candidate shall:
 - (i) file a declaration of candidacy with the lieutenant governor;
 - (ii) pay the filing fee; and
- (iii) submit a letter from a candidate for governor who has received certification for the primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.
- (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a lieutenant governor is disqualified, another candidate shall file to replace the disqualified candidate.
 - (4) Each registered political party shall:
- (a) certify the names of its candidates for president and vice president of the United States to the lieutenant governor no later than August 31; or
- (b) provide written authorization for the lieutenant governor to accept the certification of candidates for president and vice president of the United States from the national office of the registered political party.
- (5) (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor within five days after the last day

for filing.

- (b) If an objection is made, the clerk or lieutenant governor shall:
- (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
 - (ii) decide any objection within 48 hours after it is filed.
- (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.
- (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.
- (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.
- (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.
- (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement in this section to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection 20A-9-201(4) in person with the filing officer if:
 - (a) the person is located outside the state during the filing period because:
 - (i) of employment with the state or the United States; or
 - (ii) the person is a member of:
- (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
- (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
 - (C) the National Guard on activated status;
- (b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other; and
- (c) the person provides the filing officer with an email address to which the filing officer may send the copies described in Subsection 20A-9-201(3).

Amended by Chapter 17, 2014 General Session

20A-9-403 (Effective 01/01/15). Regular primary elections.

- (1) (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is designated as regular primary election day. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.
 - (b) Each registered political party that chooses to have the names of its

candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate its candidates for elective office in the manner prescribed in this section.

- (c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who was not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).
- (d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.
- (2) (a) Each registered political party, in a statement filed with the lieutenant governor, shall:
- (i) either declare their intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of its candidates for elective office featured on the ballot at the next regular general election;
- (ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and
- (iii) if the registered political party participates in the upcoming regular primary election, indicate whether it chooses to nominate unopposed candidates without their name appearing on the ballot, as described under Subsection (5)(c).
- (b) A registered political party that is a continuing political party must file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 15 of each odd-numbered year. An organization that is seeking to become a registered political party under Section 20A-8-103 must file the statement described in Subsection (2)(b) no later than 5 p.m. on February 15.
- (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the person is certified by the appropriate filing officer as having submitted a set of nomination petitions that was:
 - (i) circulated and completed in accordance with Section 20A-9-405; and
- (ii) signed by at least two percent of the registered political party's members who reside in the political division of the office that the person seeks.
- (b) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March. Candidates may supplement their submissions at any time on or before the filing deadline.
- (c) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number of persons residing in each elective office's political division who have designated a particular registered political party on their voter registration forms as of November 1 of each odd-numbered year. The lieutenant governor shall publish this determination for each elective office no later than November 15 of each odd-numbered year.

- (d) The filing officer shall:
- (i) verify signatures on nomination petitions in a transparent and orderly manner;
- (ii) for all qualifying candidates for elective office who submitted nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the first Monday after the third Saturday in April;
 - (iii) consider active and inactive voters eligible to sign nomination petitions;
- (iv) consider a person who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered political party as their preferred party affiliation on their voter registration form prior to 5 p.m. on the final day in March; and
- (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).
- (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).
- (f) The lieutenant governor shall issue rules that provide for the use of statistical sampling procedures for filing officers to verify signatures under Subsection (3)(d). The statistical sampling procedures shall reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques. The lieutenant governor may also issue supplemental rules and guidance that provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.
 - (g) The county clerk shall:
- (i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
- (ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and
- (iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.
- (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:
- (i) a list of the names of all candidates for federal, constitutional, multi-county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary-election ballot in accordance with Section 20A-6-305; and
- (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude such candidates from the primary-election ballot.
- (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary-election ballot.
 - (c) After the county clerk receives the certified list from the lieutenant governor

under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

- (5) (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their registered political party for that office or are nominated as a candidate for a nonpartisan local school board position.
- (b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.
- (c) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary ballot, provided that the party has chosen to nominate unopposed candidates under Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has received a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office.
- (6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.
- (b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.
- (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

Amended by Chapter 17, 2014 General Session

20A-9-405 (Effective 01/01/15). Nomination petitions for regular primary elections.

- (1) This section shall apply to the form and circulation of nomination petitions for regular primary elections described in Subsection 20A-9-403(3)(a).
- (2) A candidate for elective office, and the agents of the candidate, may not circulate nomination petitions until the candidate has submitted a declaration of candidacy in accordance with Subsection 20A-9-202(1).
 - (3) The nomination petitions shall be in substantially the following form:

- (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;
- (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for purposes of binding;
- (c) the petition shall be headed by a caption stating the purpose of the petition and the name of the proposed candidate;
- (d) the petition shall feature the word "Warning" followed by the following statement in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before signatures are certified by a filing officer.";
- (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively numbered one through 10;
- (f) the signature portion of the petition shall be divided into columns headed by the following titles:
 - (i) Registered Voter's Printed Name;
 - (ii) Signature of Registered Voter;
 - (iii) Party Affiliation of Registered Voter;
 - (iv) Birth Date or Age (Optional);
 - (v) Street Address, City, Zip Code; and
 - (vi) Date of Signature; and
 - (g) a photograph of the candidate may appear on the nomination petition.
- (4) If one or more nomination petitions are bound together, a page shall be bound to the nomination petition(s) that features the following printed verification statement to be signed and dated by the petition circulator:

"Verification
State of Utah, County of
I,, of, hereby state under that:
I am a Utah resident and am at least 18 years old

All the names that appear on the signature sheets bound to this page were, to the best of my knowledge, signed by the persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet."

- (5) The lieutenant governor shall prepare and make public model nomination petition forms and associated instructions.
- (6) A nomination petition circulator must be at least18 years old and a resident of the state, but may affiliate with any political party.
 - (7) It is unlawful for any person to:
 - (a) knowingly sign the nomination petition sheet described in Subsection (3):
 - (i) with any name other than the person's own name;
 - (ii) more than once for the same candidate; or
 - (iii) if the person is not registered to vote in this state and does not intend to

become registered to vote in this state prior to 5 p.m. on the final day in March;

- (b) sign the verification of a certificate of nomination signature sheet described in Subsection (4) if the person:
 - (i) does not meet the residency requirements of Section 20A-2-105;
- (ii) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or
- (iii) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state;
 - (c) pay compensation to any person to sign a nomination petition; or
- (d) pay compensation to any person to circulate a nomination petition, if the compensation is based directly on the number of signatures submitted to a filing officer rather than on the number of signatures verified or on some other basis.
 - (8) Any person violating Subsection (7) is guilty of a class A misdemeanor.
 - (9) Withdrawal of petition signatures shall not be permitted.

Enacted by Chapter 17, 2014 General Session

20A-9-406 (Effective 01/01/15). Qualified political party -- Requirements and exemptions.

The following provisions apply to a qualified political party:

- (1) the qualified political party shall certify to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year:
- (a) the identity of one or more registered political parties whose members may vote for the qualified political party's candidates; and
- (b) whether the qualified political party chooses to nominate unopposed candidates without the names of the candidates appearing on the ballot, as described in Subsection 20A-9-403(5)(c);
- (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified political party;
- (3) an individual may only obtain a nomination for the qualified political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both;
- (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;
- (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a qualified political party under Section 20A-9-407 or 20A-9-408:
 - (a) under the qualified political party's name and emblem, if any; or
- (b) under the title of the qualified registered political party as designated by the qualified political party in the certification described in Subsection (1), or, if none is designated, then under some suitable title;
- (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for paper ballots in regular general elections, that each candidate who is nominated by the qualified political party is listed by party;
 - (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall

ensure that the party designation of each candidate who is nominated by the qualified political party is printed immediately adjacent to the candidate's name on ballot sheets or ballot labels:

- (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is displayed adjacent to the candidate's name on an electronic ballot;
- (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office;
- (10) an individual who is nominated by, or seeking the nomination of, the qualified political party is not required to comply with Subsection 20A-9-201(1)(c);
- (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;
- (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include on the list provided by the lieutenant governor to the county clerks:
- (a) the names of all candidates of the qualified political party for federal, constitutional, multicounty, and county offices; and
- (b) the names of unopposed candidates for elective office who have been nominated by the qualified political party and instruct the county clerks to exclude such candidates from the primary-election ballot;
- (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot, provided that the party has chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii); and
- (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election.

Enacted by Chapter 17, 2014 General Session

20A-9-407 (Effective 01/01/15). Convention nomination process for qualified political party.

- (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of a qualified political party for an elective office through the qualified political party's convention nomination process.
- (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as follows:

"State of Utah, Cou	nty of
l,	, declare my intention of becoming a candidate for the offic

of _	as a candidate for the party. I do solem	nly swear that: I will meet the
qua	alifications to hold the office, both legally and consti	itutionally, if selected; I reside at
	in the City or Town of, Utah, Zip	o Code, Phone No; I
will	not knowingly violate any law governing campaign	s and elections; I will file all
can	npaign financial disclosure reports as required by la	aw; and I understand that failure
nan	do so will result in my disqualification as a candidate ne from the ballot. The mailing address that I designed is	
	Subscribed and sworn before me this blic (or other officer qualified to administer oath)."	(month\day\year). Notary

- (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election, shall:
- (a) file a declaration of candidacy in person with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (b) pay the filing fee.
- (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:
- (a) file a declaration of candidacy with the county clerk designated in the interlocal agreement creating the prosecution district on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (b) pay the filing fee.
- (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- (6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.
- (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

Enacted by Chapter 17, 2014 General Session

for qualified political party.

- (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering nomination process described in this section.
- (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as follows:

	"State of Utah, County of
	I,, declare my intention of becoming a candidate for the office
of	as a candidate for the party. I do solemnly swear that: I will meet the
qualifi	cations to hold the office, both legally and constitutionally, if selected; I reside at
	in the City or Town of, Utah, Zip Code, Phone No; I
will no	t knowingly violate any law governing campaigns and elections; I will file all
camp	aign financial disclosure reports as required by law; and I understand that failure
to do	so will result in my disqualification as a candidate for this office and removal of my
name	from the ballot. The mailing address that I designate for receiving official election
notice	s is
	<u> </u>
	Cubacribad and awarn before me this (manth\day\vacr) Notary
Dublic	Subscribed and sworn before me this(month\day\year). Notary
	(or other officer qualified to administer oath)."

- (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:
- (a) within the period beginning on January 1 before the next regular general election and ending on the third Thursday in March of the same year, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:
- (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
- (ii) the name of the registered political party for which the member is seeking nomination;
 - (iii) the office for which the member is seeking to become a candidate;
 - (iv) the address and telephone number of the member; and
 - (v) other information required by the lieutenant governor;
- (b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (c) pay the filing fee.
- (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political

party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

- (a) on or after January 1 before the next regular general election, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:
- (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
- (ii) the name of the registered political party for which the member is seeking nomination:
 - (iii) the office for which the member is seeking to become a candidate;
 - (iv) the address and telephone number of the member; and
 - (v) other information required by the lieutenant governor;
- (b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
 - (c) pay the filing fee.
- (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- (6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.
- (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.
- (8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:
 - (a) complying with the requirements described in this section; and
- (b) collecting signatures, on a form approved by the lieutenant governor's office, during the period beginning on January 1 of an even-numbered year and ending 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:
- (i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- (ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- (iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
- (iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to

vote for the qualified political party's candidates in a primary election; and

- (v) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.
- (9) (a) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall:
- (i) collect the signatures on a form approved by the lieutenant governor's office, using the same circulation and verification requirements described in Sections 20A-7-304 and 20A-7-305; and
- (ii) submit the signatures to the election officer no later than 14 days before the day on which the qualified political party holds its convention to select candidates, for the elective office, for the qualified political party's nomination.
- (b) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.
- (c) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:
- (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and
- (ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (9)(c)(i).
- (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:
- (i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;
- (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
- (iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition;
- (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet; and
- (v) notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.
- (e) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that

the lieutenant governor posts a declaration of candidacy.

Enacted by Chapter 17, 2014 General Session

20A-9-409 (Effective 01/01/15). Primary election provisions relating to qualified political party.

- (1) The fourth Tuesday of June of each even-numbered year is designated as a regular primary election day.
- (2) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.
- (3) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.
- (4) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.
- (5) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.

Enacted by Chapter 17, 2014 General Session

20A-9-410 (Effective 01/01/15). Rulemaking authority.

The director of elections, within the Office of the Lieutenant Governor, shall make rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, relating to procedures for complying with, and verifying compliance with, the candidate nominating process described in this part.

Enacted by Chapter 17, 2014 General Session

20A-9-701 (Effective 01/01/15). Certification of party candidates to county clerks -- Display on ballot.

- (1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of each candidate nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) for offices to be voted upon at the regular general election in that county clerk's county.
- (2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy. No other names may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered political party, political party, or other political group.

Amended by Chapter 17, 2014 General Session